IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION NO : 12770 of 1993

Between:

Smt. Geda Varalakshmi, W/o. G Venkata Subbarao
R/o. Dippakalayapadu W.G.District.
..... PETITIONER

AND

1 Govt of A.P. rep. by its Secretary, Social Welfare Department (F)
Dept., Secretariat Buildings, hyderabad.
2 Agent to the Government West Godavary Dist. Eluru.
3 Kovvasu Pottayya
R/o. Itikulakunta, Buttaigudem, West Godavari Dist.
4 Kovvasu Peda Venkanna
R/o. Itikulakunta, Buttaigudem, West Godavari Dist.
5 Chodem Bapi Raju
R/o. Itikulakunta, Buttaigudem, West Godavari Dist.
6 Komaram Gangamma.
R/o. Itikulakunta, Buttaigudem, West Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more in the nature of certiorari calling for the records relating to and in connection with the orders passed by the Government viz. the first respondent in rejecting the revision petition filed by the petitioner dt. 19-1-83 including the additional grounds raised in pursuant to the orders of this Hon. Court by their Memo. No. 299/F/83-3,dated 2-4-93 communicated in Memo No. 12809/F1/93-1, dated 1-6-93 and to quash the same and consequentially declare that the petitioner is a lawful owner of the lands in S.Nos.72; 73; 76; 77; 80 and 81 with an extents of Acrs. 3.04; 4.52; 5.10; 1.87 and 5.12 and 2.29 respectively situated in Itikulakunta Village, Buttaigudem Mandal, W.G.District in respect of the revision petitions filed before the Govt. and in the light of the observations made by this Hon. Court in W.P.2905/83 dt. 25-9-97.

Counsel for the Petitioner: MR.M.PRABHAKARA RAO
Counsel for the Respondent Nos.1and2: GP FOR SOCIAL WELFARE . Counsel for the Respondent Nos.3 to 6: Mr. B. ADINARAYANA RAO

The Court made the following ORDER:

ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the first respondent-Government confirming the order passed by the second respondent, under which the property purchased by the petitioner from a tribal in an extent of Ac.16.50 cents of land was ordered to be restored to the tribals.

2. According to the petitioner, when there was a proposal to sell the land in his favour by a tribal, the vendor of the petitioner made a representation to the Government seeking permission under the provisions of the A.P. Scheduled Areas Land Transfer Regulation, 1959 (for short 'the Regulation 1 of 59"). The Government, having satisfied with the grounds mentioned by the vendor of the petitioner, passed orders in G.O.Ms.No.2285 dated 15.11.1967 and pursuant to which, the petitioner's vendor has executed the registered sale deed in favour of the petitioner transferring the land in an extent of Ac.16.50 cents. Though in view of the permission granted by the Government the transaction is not hit by any of the provisions of the Regulation 1 of 59, the second respondent initiated proceedings by issuing a show cause notice in the year 1981. Despite the petitioner opposed the claim of the authorities as well as third parties, but an order was passed rejecting the claim of the petitioner on the premise that the transaction is offending the provisions of the Regulation 1 of 59. Aggrieved by the same petitioner carried the matter in revision to the Government and was unsuccessful. Hence, the present writ petition.

3. At the time of hearing it is represented by the learned counsel for the petitioner that in similar circumstances with reference to another transaction that had taken place in favour of the petitioner from another tribal covered by the same notification in W.A.No.1341 of 1997, this Court, set aside the order of the Revisional Authority and restored the matter to the Revisional authority for fresh consideration in the light of the observations made therein. Therefore, he sought similar orders in this matter also restoring the matter to the Government for fresh consideration.

4. Heard both sides and considered the material available on record.

5. In the light of the observations made by the Division Bench of this Court in W.A.No.1341 of 1197, as the facts in this case are almost identical to that of the said Writ Appeal, this writ petition is disposed of setting aside the impugned order passed

by the Revisional Authority and restoring the matter to the Government for fresh consideration.

6. The writ petition is accordingly disposed of. No costs.

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S. Ananda Reddy, J

Date: 03.12.2004

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To

1. The Secretary, Govt of A.P. Social Welfare Department (F), Secretariat Buildings, Hyderabad.
2. The Agent to the Government West Godavary District, Eluru.
3. Two CCS to G.P for Social Welfare, High Court of A.P. Buildings, Hyderabad (OUT)
4. Two CD Copies